

CLARKE COUNTY BOARD OF SUPERVISORS  
September 16, 2003                      Regular Meeting                      9:00 a.m.  
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, September 16, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

David Ash, Tom Judge, Ricky Pope, Gary Pope, Jim Coumes, Charles Johnston, Linda Coumes, Warren Arthur, June Hosaflook, Charlie Campbell, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:03 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Miscellaneous:

- Emergency Preparedness for Hurricane Isabel with discussion regarding the process for declaring a state of emergency for the County – David Ash
- Waste Transfer Station for Southeastern Portion of County – A.R. Dunning, Jr.

Add to VDOT the following items:

- Discussion on Primary Highway Improvement Program – John Staelin
- Secondary Six-Year Plan Comments from Board of Supervisors Work Session held Monday, September 15, 2003 – Barbara Byrd
- Discussion on Interstate 81 Options – John Staelin
- Set Public Hearing for Secondary Six-Year Plan – David Ash

**Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting August 19, 2003

**Supervisor Byrd moved to accept the meeting minutes for August 19, 2003 as written. The motion carried by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

Consent Agenda

A. CLEAN, INC. - Clarke County Family Day Proclamation

**PROCLAMATION  
CLARKE COUNTY FAMILY DAY**

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children;

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes and alcohol;

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, the correlation between family dinners and reduced risk of teen substance abuse are well documented;

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE BE IT RESOVLED that the Clarke County Board of Supervisors recognizes that eating dinner as a family is an important step toward raising drug-free children; and

The fourth Monday in September shall henceforth be designated National Family Day – A Day to Eat Dinner With Your Children.

Adopted this 16<sup>th</sup> day of September, 2003.

John Staelin, Chairman  
Clarke County Board of Supervisors

David Ash, County Administrator, provided an overview of the Proclamation requested by CLEAN, Inc.

**Supervisor Dunning moved to approve the Consent Agenda. The motion carried by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

## Citizen Comment Period

No citizens appeared to address the Board.

## Virginia Department Of Transportation

### Set Public Hearing – VDOT Secondary Six-Year Plan

David Ash advised the Board that subsequent to the review at the Board of Supervisors Work Session a public hearing on the Secondary Six-Year Plan needed to be set. He explained that VDOT would be responsible for the public notice.

**Vice Chairman Hobert moved to set the matter for public hearing on October 22, 2003 at 7:30 p.m. or as soon thereafter as the matter may be heard**

**The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Absent

### Primary Highway Improvement Program

Chuck Johnston reviewed the top five projects currently on the Primary Highway Improvement Program. Chairman Staelin stated that VDOT was trying to raise safety funds for the Senseny Road and Route 340 intersection and solicited the opinion of the Board regarding the elevation of this project from its current position.

Following discussion, **Supervisor Weiss moved to elevate the position of the Senseny Road and Route 340 Intersection on the Primary Highway Improvement Program to the second priority and reduce all other enumerated items down by the corresponding number.**

**The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Chuck Johnson was directed to revise the priorities on the Primary Highway Improvement Program.

### Interstate 81

Two proposals have been made for improvements to Interstate 81 and regional public meetings will be held to discuss the merits of each proposal. Chairman Staelin urged Board members to attend the meetings so that they might have a better understanding of the impact on the area. Supervisor Dunning opined that with the mountains on both sides of the interstate there are festering environmental issues.

Chairman Staelin advised the Board that there are also proposed improvements to local rail lines from Front Royal to Manassas, which will increase rail traffic in Clarke County. With a reduction of truck traffic on the interstate, there will be additional trains, double tracks and increased frequency of trains. Chuck Johnston opined that this could be viewed as an opportunity to improve railroad crossings or review use of whistles.

### Revisions to Secondary Six-Year Plan

Supervisors Byrd and Dunning requested that the record reflect the following proposed changes to the Secondary Six-Year Plan as recommended following review at the Board of Supervisors Work Session held on September 15, 2003.

- Lower Speed Limit from 55 to 45 on Kimble Road
- Lower Speed Limit from 55 to 45 on Salem Church to Senseny Road
- Lower Speed Limit from 55 to 45 on Pyletown Road to Salem Church Road
- Lower Speed Limit in front of entrance to the Hermitage on 340
- Lower Speed Limit from 55 to 45 on Summit Point Road to coincide with West Virginia's posted speed limit for this road.
- Stop light at entrance of Food Lion and Hermitage.

Supervisor Byrd expressed her support of the change in speed limit in front of the entrance to the Hermitage. Keith Dalton, Berryville Town Manager, stated the Town does concur with Supervisor Byrd that the speed should be reduced in this area; and the Town would put forth that 25 mph is appropriate for that section.

### Commissioner of the Revenue Presentation to Warren Arthur

- June Hosaflook, Regional President of the West Central Commissioners of the Revenue

June Hosaflook, Regional President of the West Central Commissioner of the Revenue Association, appeared before the Board to recognize Warren Arthur's level of professionalism achieved with the Commissioner of the Revenue Association. Mr. Arthur was the President of the Association in 2000. While Mr. Arthur previously achieved the status of Certified Commissioner of the Revenue, he is one of twenty-two persons in the State to attain the designation of Master Commissioner of the Revenue.

To achieve the designation of Master Commissioner of the Revenue, a Commissioner must maintain standards, service levels, and complete a combination of education and training. Audits of policy and procedure successfully illustrated Mr. Arthur's achievement of the requirements and standards. Weldon Cooper maintains the records for Commissioner of the Revenue and provides the certifications.

Chairman Staelin extended congratulations to Mr. Arthur on behalf of the Board of Supervisors. Mr. Arthur expressed his appreciation for the work of the Association and the vast amount of work on the part of Commissioner McDonald, who developed the program statewide. He further expressed his appreciation to the Board for their support and for providing him the opportunity to participate in this program. Further, he reminded the Board that Linda Coumes had achieved the designation of Master Treasurer some years ago.

### Decal Purchase Through DMV

There was discussion with Linda Coumes, Warren Arthur and the Board regarding the purchase of decals through the DMV. The decal cost is included with vehicle registration and the State charges back to the locality 7% for the service. The cost savings to the localities include envelopes, postage and labor to stuff the envelopes. This pilot program has been implemented in the City of Virginia Beach. The next locality slated for inclusion in this program is Fairfax County. Mrs. Coumes indicated that the Treasurers Association is looking closely at this program and researching the legalities. Both Mrs. Coumes and Mr. Arthur expressed a desire to postpone making any decision regarding implementation until they see how the program works.

## Discussion Of Committee Action

### Personnel

Personnel Committee did not meet in September 2003. Notice of Intent to Appoint to the Northern Shenandoah Valley Disabilities Service Board and the Clarke County Library Advisory Council was published in the Clarke Times-Courier. The deadline for submission of letters of interest is Friday, October 3, 2003.

### Board of Supervisors Work Session

The Board of Supervisors for September 2003 was specific to discussion regarding the Virginia Department of Transportation Secondary Six-Year Plan. For additional information, see the Virginia Department of Transportation [VDOT] Section of these minutes.

### Finance

The meeting for the Finance Committee scheduled for 3:00 p.m. today was canceled due to the inability of the school representatives to attend. Mr. Staelin stated that an evening meeting would be preferred to facilitate the presence of the School Board Chair. The date and time for the meeting will be announced.

### *Public Hearing – Regional Adult Detention Center*

*“Be it resolved that the FY 04 expenditure budget for the Regional Jail is hereby amended to increase expenditures by \$60,261, and to appropriate the same, for the purpose of hiring additional staff.”*

David Ash provided an overview of the request for the supplemental appropriation for Jail staff. Currently, there is insufficient staff to adequately supervise the overcrowded facility evidenced by a rise in assaults, battery and influx of contraband.

At 10:28 am, Chairman Staelin opened the public hearing for public comment. There being no persons present wishing to address the Board regarding this matter the public comment portion of the hearing was closed.

Supervisor Weiss inquired whether there would be additional requests for funds from the regional jail. Mr. Ash stated that he did not believe there would be additional requests; however he does have a proposal for another fiscal year that will triple the cost to the County. Mr. Ash stated the requested amount was to cover staff salaries including payroll, fringes and training.

**Supervisor Byrd moved to approve the supplemental appropriation “Be it resolved that the FY 04 expenditure budget for the Regional Jail is hereby amended to increase expenditures by \$60,261, and to appropriate the same, for the purpose of hiring additional staff.”**

**The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

## Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates.

### Millwood Project

Millwood Project is on schedule. Mr. Ash advised that future extensions could cause problems and the requirements should be reviewed closely.

Supervisor Dunning said he had heard several complaints regarding the performance of Chester Engineering. After a discussion, Mr. Ash was instructed to talk with staff and compile a list of problems for review by the Board.

Supervisor Weiss asked staff to review the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner or the County.

### Space Study

Space study information will be available shortly. There are meetings with Moseley Architects and County department heads scheduled for September 15 and 16. Moseley indicated they should have the figures by the October 8, 2003 meeting of the Joint Committee on School Construction.

## Conflict of Interest Disclosure for Audit Purposes

- David L. Ash, County Administrator

Mr. Ash informed the Board that similar to Conflict of Interest forms completed annually there are also requirements from the auditors but without forms. Therefore, if any Board member has anything they feel should be disclosed, they are to contact the County Administrator or Tom Judge. The type of disclosure sought by the auditors would be a board appointment to a banking institution with which the County conducts business. Chairman Staelin stated that the Conflict of Interest Statements on file should be sufficient; and if not, staff should inform the Board exactly what additional disclosure was desired.

## Bills And Claims

- David Weiss, Supervisor

Supervisor Weiss requested clarification of the Board policy regarding allocations in the case where a particular line item has already reached 100% of the fiscal year allocation. Chairman Staelin stated that transfers between line items is at the discretion of the department head with the exception of salaries.

**Supervisor Weiss moved to accept the Bills and Claims presented for the month.**

**The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

## Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Copies of his monthly reports were distributed for review and included in the September 2003 Board of Supervisors file.

Mr. Sours reviewed the updates to the website including the addition of the notice of the Land Use Application deadline of November 1. He apprised the Board that the Volunteer Opportunities has been downloaded 130 times in the last month and the Clarke County Residents Guide 135 times. The Zoning Ordinance continues to be the most downloaded document on the website. Also, downloads of the tax rates are on the rise. Hyperlinks to the Chamber of Commerce and Downtown Berryville, Inc. are available on the County website.

Additional updates provided by Mr. Sours included graphs showing the unemployment rate for the County at 2.8, which is the lowest in the Valley. Also, the Double Tollgate property is on the market and an offer has been made. The contract at the Business Park will close at the end of the month.

## Miscellaneous Items

### Emergency Preparedness – Hurricane Isabel

Jim Coumes, Clarke County Sheriff's Department; Ricky Pope, Virginia Department of Transportation; and Gary Pope, Clarke County Fire & Rescue Association appeared before the Board to discuss emergency preparations in the County for the predicted tropical storm.

David Ash, County Administrator, stated there was more uncertainty than certainty with the storm track and the severity. He advised those present that Governor Warner has declared a state of emergency in Virginia. Mr. Ash stated that citizens are advised to prepare for three to seven days without utilities. Further, the County's preparations include the following actions: vehicles are being prepared and fueled; the Red Cross has been alerted; the schools are equipped with emergency power. Mr. Ash informed the Board that he with the Clarke County Fire & Rescue, Red Cross, Social Services and law enforcement all recently participated in an emergency sheltering exercise. A notice from Allegheny Power was distributed indicating that they were aware and monitoring the storm. They are lining up contractors and positioning equipment and personnel. Mr. Ash informed the Board that he was given the home telephone number for the Call Center Emergency Coordinator. He informed the Board that Keith Dalton was preparing in the same manner at the Town level.

Jim Coumes, representing local law enforcement, stated that all resources were at the level needed and all officers are on call. He stated that they, too, were preparing their vehicles and fueling in attempts to ensure an adequate supply through the impending storm. When queried regarding increases in crime during nature disasters, he stated that they have not seen this problem in the past; but he would urge neighbors to look out for each other. He stated that elderly residents needed to be considered in these situations and he would urge the families of elderly citizens to make arrangements.

Ricky Pope, VDOT, advised citizens to stay off of water-covered roadways. He stated that VDOT had their equipment and vehicles ready. He informed the Board that they would be putting up signs where possible but advised these signs are frequently stolen. He stated that area residents had been given ample advance notice of the possibility of flooding. Mr. Pope stated that VDOT would not remove trees or branches if they were down on a power line; this will be left to the power company. He advised that roads and bridges could be washed out or damaged by the weather conditions and the repairs could take from a week to a month dependent upon the severity of the damage.

Gary Pope, Clarke County Fire & Rescue Association, indicated that they were arranging staffing for area fire stations to cover the storm, preparing vehicles and ensuring all were

fueled. He advised citizens to stay home during the storm and to consider what they were requiring before placing a call to fire and rescue. Mr. Ash stated that the first place to take evacuees is the local fire station, which is equipped with food, water and can provide shelter. If the level of evacuees demands, the designated emergency shelter is Johnson Williams Middle School, which would be opened and manned by the Red Cross and Social Services.

John Staelin, Board of Supervisors Chair, asked the press for their assistance in notifying the area citizens. He urged area residents to stock up on supplies of non-perishable food, water and to fill prescriptions and fuel vehicles. Also, some agencies have been advising that persons have cash on hand should there be extended power outages. Mr. Staelin reminded the individuals present of the importance of communication between the groups.

#### Declaring a State of Emergency

David Ash reviewed the statutes governing the procedure used to declare a state of emergency for the County. The law gives the authority to the Board of Supervisors Chair to declare a state of emergency. He informed the Board that declaring a state of emergency would make the County eligible for state and federal aid that might be offered to offset the cost of the storm to the County. The Board agreed that Chairman Staelin should declare a state of emergency in Clarke County if the conditions warranted. Further, if communication was disrupted and the Chair was unable to make the declaration, it was agreed that the County Administrator had the authority to make the declaration in his stead. An action of this type would be reviewed at the next meeting of the Board.

#### Convenience Stations

Supervisor Dunning brought before the Board his concerns regarding the need for access to a convenience/waste transfer station in the southeast corner of the County. The Board gave their approval for Mr. Dunning to approach Warren County to discuss the possibility of sharing a Convenience site located near that portion of Clarke County and potential cost. Chairman Staelin also expressed an interest in exploring the possibility of entering into a discussion with Loudoun County regarding the shared use of a convenience station on that side of the Clarke County.

#### Warren County Addresses

Supervisor Dunning informed the Board that he would be soliciting feedback from Clarke County residents with Warren County addresses. A card will be sent to those residents to determine whether there is any interest in changing to Clarke County addresses. The Post Office would ultimately be responsible for approving the change.

#### Town of Berryville Miscellaneous Items

Supervisor Dunning opined that the Town and the County have enjoyed a good working relationship. He stated that it was his desire to keep good approaches to the Town and expressed his concern regarding the doubling up of the houses on the Church Street and Route 340 approach. He also noted that the area is low and there is a wet weather stream.

Keith Dalton, Berryville Town Manager, expressed his appreciation of the Board's interest in the Town. He put forth that the 26 additional houses were being proposed exceeded the density permitted by both the Town and the County. Mr. Dalton stated that he did not believe it to be a good plan and he has spoken with the builders about some reconfiguration, which may include something more innovative.

Supervisor Dunning expressed his concern regarding the pipes by the Dollar General store. Mr. Dalton informed the Board the pipes belong to the American Legion and not the Town of Berryville. He stated they were put in place to the standards of and approved by the Corp of Engineers.



Chairman Staelin requested David Ash place the Town of Berryville on the Board of Supervisors' Agenda several times per year to provide regular updates and facilitate communication.

#### Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Coordinate public hearing on Secondary Six-Year Plan with VDOT.	David Ash
2.	Revise Primary Highway Plan.	Chuck Johnston
3.	Set up Finance Committee meeting for next week. Contact Ned Smithers to attend.	Tom Judge
4.	Review the Millwood Sewer problems with staff.	David Ash
5.	Compile a list of problems with Millwood Sewer Project.	David Ash / Alison Teetor
6.	Review costs of the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner.	David Ash / Alison Teetor
7.	Place Town of Berryville on Board of Supervisors' Agenda several times per year.	David Ash
8.	Determine whether any additional disclosure information is required beyond the Conflict of Interest forms currently on file.	David Ash
9.	Approach Warren County to discuss the possibility of sharing a Convenience site located near that portion of Clarke County and potential cost.	A.R. Dunning, Jr.
10.	Explore entering into discussion with Loudoun County regarding the shared use of a convenience station on that side of the Clarke County.	John Staelin
11.	Solicit feedback from Clarke County residents with Warren County addresses to determine whether there is any interest in changing to Clarke County addresses.	A.R. Dunning, Jr.

#### Next Meeting:

The next regular meeting of the Board of Supervisors is set for October 21, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

#### Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 11:26 a.m.

ATTEST: September 16, 2003

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John Staelin, Chairman

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David L. Ash, County Administrator